

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

NICHOLAS SHORT,

Petitioner,

v.

MICHEAL DONAHUE,

Respondent.

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**No. 3:14-cv-02313
Chief Judge Sharp**

ORDER

Pending before the court is a *pro se* petition for a writ of *habeas corpus* pursuant to 28 U.S.C. § 2254 (Docket No. 1) filed by Nicholas Short (#442776), an inmate at the Hardeman County Correctional Facility in Whiteville, Tennessee. The petitioner is serving a term of life imprisonment imposed by the Davidson County Criminal Court on June 18, 2010, for one count of first degree premeditated murder and one count of second degree murder during the perpetration of an especially aggravated robbery. (Docket No. 1 at p. 3).

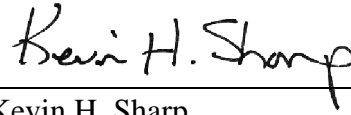
For the reasons explained more fully in the memorandum entered contemporaneously herewith, the respondent's motion to dismiss (Docket No. 11) is hereby **GRANTED** for failure to exhaust state court remedies.

Accordingly, the petition is **DENIED**, and this action is **DISMISSED WITHOUT PREJUDICE** to refile once the petitioner has exhausted his state court remedies. The dismissal also is without prejudice with regard to the petitioner's ability to refile actions under 28 U.S.C. § 2241.

In this case, reasonable jurists cannot conclude that the court abused its discretion in granting respondent's motion to dismiss. Thus, the court **DENIES** a certificate of appealability.

This order constitutes final judgment in the action.

It is so **ORDERED**.

A handwritten signature in black ink that reads "Kevin H. Sharp". The signature is written in a cursive, flowing style. The first name "Kevin" is written with a large 'K' and a small 'v'. The middle initial "H." is written with a large 'H' and a period. The last name "Sharp" is written with a large 'S' and a small 'p'.

Kevin H. Sharp
Chief United States District Judge